

### **REMARKS**

The Official Action mailed November 16, 2004, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on November 13, 2001, and March 7, 2002. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1-92 were pending in the present application prior to the above amendment. (It is noted that the Office Action Summary indicates, in error, that claims 1-93 were pending; however, the rest of the Action appears to accurately reflect that claims 1-92 were pending.) Claims 2, 3, 13, 14, 26, 27, 39, 40, 50, 60 and 84 have been canceled, and claims 1, 4-12, 15-23, 28-36, 41-49, 51-59, 61-68, 81 and 85-92 have been amended to better recite the features of the present invention. Accordingly, claims 1, 4-12, 15-25, 28-38, 41-49, 51-59, 61-83 and 85-92 are now pending in the present application, of which claims 1, 12, 23, 36, 49, 59 and 81 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 1 of the Official Action rejects claims 1-4, 12-15, 23-28, 36-41, 49-51, 59-61 and 69-85 as obvious based on the combination of U.S. Patent No. 5,882,761 to Kawami et al. and U.S. Patent No. 2,578,324 to Southwick, Jr. Paragraph 2 of the Official Action rejects claims 5-11, 16-22, 29-35, 42-48, 52-58, 62-68 and 86-92 as obvious based on the combination of Kawami, Southwick, Jr. and Official Notice. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 1, 12, 23, 36, 49, 59 and 81 have been amended to recite that a second substrate has a concave portion and that a drying agent is filled in the concave portion. These features are supported in the specification, for example, at page 13, lines 13-15 and Figures 1B and 2. Kawami, Southwick, Jr. and Official Notice, either alone or in combination, do not teach or suggest at least the above-referenced features of the present invention.

Rather, it appears that Kawami only teaches a method of setting a solid compound 8 in glass sealing case 7 or a method of forming a film of a chemical compound 8 on an internal surface of glass sealing case 7, as a method of enclosing a drying substance 8 (column 5, lines 11-24). Also, the Official Action appears to rely on internal space 11 of Figure 1 for the teaching of "the container having a concave inner

portion where the drying agent is contained” (page 3, Paper No. 20041112). However, compare opposing substrate 103b shown in Figure 1B of the present application with glass substrate 2 and glass sealing case 7 shown in Figure 1 of Kawami. Neither glass substrate 2 nor glass sealing case 7 has a concave portion. Therefore, Kawami does not teach or suggest that a second substrate has a concave portion and that a drying agent is filled in the concave portion.

Southwick, Jr. and Official Notice do not cure the above-referenced deficiencies in Kawami. Southwick, Jr. is relied upon to allegedly teach “a drying pouch having a drying agent (Figure 3) contained inside a porous pouch (Figure 4), such porous pouch consisting of two layers of a porous material (Figure 2)” (page 3, Paper No. 20041112) and on Official Notice to allegedly teach OELE devices (page 4, Id.). Kawami, Southwick, Jr. and Official Notice, either alone or in combination, do not teach or suggest that a second substrate has a concave portion and that a drying agent is filled in the concave portion.

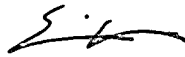
In addition, the Applicant has amended independent claims 1, 12, 23, 36, 49, 59 and 81 to recite that a drying agent has a porosity of 20% or more to clearly indicate that the drying agent itself has the claimed porosity. Kawami, Southwick, Jr. and Official Notice, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Therefore, Kawami, Southwick, Jr. and Official Notice, either alone or in combination, do not teach or suggest at least the above-referenced features of the present invention.

Since Kawami, Southwick, Jr. and Official Notice do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789